

FILED

MAY - 9 2008

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	CR No. CR 03-08-70096 MEJ
Plaintiff,)	STIPULATION AND PROPOSED ORDER
v.)	CONTINUING THE PRELIMINARY
TIMOTHY CRAIG,)	HEARING AND EXCLUDING TIME
Defendant.)	

This matter is set for a Preliminary Hearing / Arraignment on May 9, 2008. The United States intended to present this matter for indictment before the Grand Jury on May 6, 2008. On the morning of May 6, 2008, counsel for the United States learned that the intended law enforcement witness for the case suffered a medical emergency, would not be able to appear before the Grand Jury, and that he would be unavailable due to his medical situation for approximately three weeks. Counsel for the United States has conferred with the investigating law enforcement agency and confirmed that another witness, who was out of the District from May 5-9, 2008, can be prepared and available to testify before the Grand Jury on the week of May 12, 2008. Due to other court obligations, this witness is not available at the sitting of the Grand Jury on Tuesday, May 13, 2008 but is available to testify on Thursday, May 15, 2008.

STIPULATION AND [PROPOSED] ORDER CONTINUING THE PRELIMINARY HEARING AND
EXCLUDING TIME - CR 03-08-70096 MEJ

1 With the testimony of this witness, the United States now intends to present this matter before
2 the Grand Jury on Thursday, May 15, 2008. The defendant does not object to this continuance,
3 believes that good cause exists to extend the time limits of Fed. R. Crim. P. 5.1(c),(d) due to the
4 unavailability of an essential witness, and waives his right to have a preliminary hearing held
5 within 20 days pursuant to Fed. R. Crim. P. 5.1(c),(d). The parties now stipulate and request that
6 the Court enter an Order that the Preliminary Hearing be removed from the May 9, 2008
7 calendar and be continued until May 16, 2008 and that time should be excluded from the Speedy
8 Trial Act calculations from May 9, 2008 through May 16, 2008. The parties represent that
9 granting this continuance is necessary due to the unavailability of an essential witness. See 18
10 U.S.C. § 3161(h)(3)(A).

11 IT IS SO STIPULATED.

12 JOSEPH P. RUSSONIELLO
13 United States Attorney

14 DATED: May 8, 2008

15 /s/
16 DENISE MARIE BARTON
17 Assistant United States Attorney

18 DATED: May 8, 2008

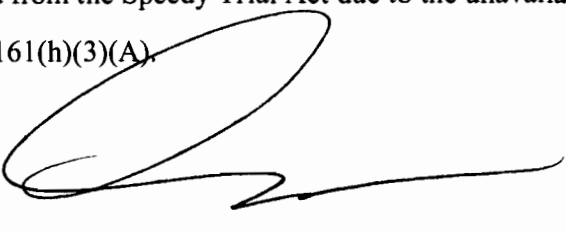
19 /s/
20 STEVEN KALAR
21 Attorney for TIMOTHY CRAIG

22 **[PROPOSED] ORDER**

23 For the reasons stated above, the Preliminary Hearing shall be removed from the May 9,
24 2008 calendar and be continued until May 16, 2008. The Court finds that a showing of good
25 cause has been made to extend the time for a preliminary hearing pursuant to Fed. R. Crim. P.
26 5.1(c),(d) and that time should be excluded from the Speedy Trial Act due to the unavailability
27 of an essential witness. See 18 U.S.C. § 3161(h)(3)(A).

28 IT IS SO ORDERED.

DATED: 5/8/08


Honorable Edward M. Chen
United States Magistrate Judge